

**ZONING COMMITTEE
MINUTES
MONDAY, NOVEMBER 9, 2009
9:30 a.m.**

The rescheduled meeting of the Zoning Committee was held on **Monday, November 9, 2009** in Committee Room #2 at 9:44 a.m.

The following members were present:

**The Honorable Natalyn Archibong, Vice Chair
The Honorable C. T. Martin
The Honorable Mary Norwood
The Honorable Anne Fauver
The Honorable Carla Smith**

The following members were absent:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Howard Shook**

Others present at the meeting were: Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorney Lem Ward, Law Department; and members of the Public and Council staff.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

09-O-2021 (1)
Z-09-37

An Ordinance by Zoning Committee to rezone property from the RG-2 (Residential General-Sector 2) District, to the R-LC (Residential-Limited Commercial) District, for property located at **4591 Wieuca Road, NE**, fronting approximately 70 feet on the northeasterly side of Wieuca Road, beginning 506 feet easterly and southeasterly from the southeast corner of a 15 foot alley.

Depth:	Varies
Area:	0.40 Acre
Land Lot:	95, 17 th District, Fulton County, Georgia
Owner:	Tom Hicks
Applicant:	Tom Hicks
NPU-B	Council District 7

**FAVORABLE – TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

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C. ORDINANCES FOR FIRST READING (CONT'D)

09-O-2022 (2)
Z-09-38 An Ordinance by Zoning Committee to rezone property from the C-1-C (Community Business-Conditional) District, to the C-1-C (Community Business-Conditional) District, for the purpose of a change of conditions, property located at **2815-2839 Peachtree Road, NE**. The property fronts 275 feet on the southeasterly side o Peachtree Road beginning 99.92 feet from the northwest corner of Rumson Road.

Depth: Varies
Area: 1.24 Acres
Land Lot: 100, 17th District, Fulton County, Georgia
Owner: Gardenbrand, LLC
Applicant: Gardenbrand, LLC
NPU-B **Council District 7**

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-2023 (3)
Z-09-39 An Ordinance by Zoning Committee to rezone property from the R-4A (Single Family Residential) and the C-1-C (Community Business-Conditional) Districts, to the C-1 (Community Business) District, property located at **178 McDonough Boulevard, SE**, fronting approximately 54 feet on the north side of McDonough Boulevard, beginning 122 feet from the northwest corner of Lakewood.

Depth: Approximately 199 Feet
Area: 0.624 Acre
Land Lot: 56, 14^h District, Fulton County, Georgia
Owner: PRITHVI, Inc.
Applicant: Robert W. Hoffman
NPU-B **Council District 7**

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-2024 (4)
Z-09-44 An Ordinance by Zoning Committee to amend the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to create a new Chapter 37 entitled *Voluntary Incentive Multi-Family Residential Regulations*, concerning the creation of optional and parallel development code requirements for Multi-Family Residential Developments for the purpose of public benefits including the provision of affordable workforce housing; to define certain terms; to provide for related requirements and procedures; and for other purposes.

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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C. ORDINANCES FOR FIRST READING (CONT'D)

09-O-2025 (5)
U-09-21

An Ordinance by Zoning Committee granting a Special Use Permit for a Church pursuant to Section 16-06.005 (1) (c) for property located at **1280 Benteen Way, SE**, fronting approximately 269 feet on the north side of Benteen Way and approximately 410 feet on the east side of Boulevard.

Depth: Varies
Area: Approximately 2.0 Acres
Land Lot: 24, 14th District, Fulton County, Georgia
Owner: Abundant Life Center
Applicant: James McDougald
NPU-W **Council District 1**

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-2026 (6)
U-09-22

An Ordinance by Zoning Committee granting a Special Use Permit for a Day Care Center pursuant to Section 16-08.005 (1) (b) for property located at **3751 Martin Luther King, Jr Drive, SW**, fronting approximately 165 feet on the southeasterly side of Martin Luther King, Jr. Drive at the northeastern intersection of Martin Luther King, Jr. Drive and Bolton Road.

Depth Varies
Area: Approximately 5.8 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Charitable Connections, Inc.
Applicant: Charitable Connections, Inc./Michelle R. Uchiyema
NPU-T **Council District 4**

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-2027 (7)
U-09-23

An Ordinance by Zoning Committee granting a Special Use Permit for a Personal Care Home pursuant to Section 16-06.005 (1) (g) for property located at **1041 Lawton Avenue, SW**, fronting approximately 100 feet on the northeasterly side of Lawton Avenue and approximately 447 feet east of the intersection of Lawton Avenue and Peeples Street.

Depth: Approximately 180 Feet
Area: 0.41 Acre
Land Lot: 119, 14th District, Fulton County, Georgia
Owner: Nathan M. Jideama
Applicant: Nathan M. Jideama
NPU-S **Council District 4**

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C. ORDINANCES FOR FIRST READING (CONT'D)

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-2028 (8)
U-09-24

An Ordinance by Zoning Committee granting a Special Use Permit for a Day Care Center pursuant to Section 16-06.005 (1) (b) for property located at 779 Atwood Street, SW, fronting approximately 120 feet on the west side of Atwood Street, approximately 67 feet southwest of the intersection of Atwood Street and Donnelly Avenue.

Depth: Varies
Area: Approximately 0.366 Acre
Land Lot: 139, 14th District, Fulton County, Georgia
Owner: Pan African Orthodox Christian Church
Applicant: Terrence Raye
NPU-T Council District 4

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

REGULAR AGENDA

D. COMMUNICATION

09-C-1899 (1)

A Communication by Councilmembers Felicia A. Moore, District 9; C. T. Martin, District 10; Jim Maddox, District 11; Joyce Sheperd, District 12 and H. Lamar Willis, Post 3 At-Large appointing Mr. Roger Nance as a member of the Board of Zoning Adjustment. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Held 11/09/09) (Held to give appointee the opportunity to come before the committee)**

HELD

E. ORDINANCE FOR SECOND READING

09-O-1889 (1)
U-74-27

An Ordinance by Zoning Committee to amend Ordinance U-74-27 as adopted by the City Council on December 9, 1974 and approved by the Mayor on December 16, 1974 for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at 1635 Campbellton Road, SW; and for other purposes.

E. ORDINANCE FOR SECOND READING (CONT'D)

FAVORABLE

(All legislation in this section will continue to be held)

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| 06-O-0273 (1) | An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. (Held 2/1/06 for further review) |
| 06-O-0007 (2)
Z-05-65 | An Ordinance by Councilmember Carla Smith as amended by Zoning Committee to rezone the portion of the property located at <u>1821 W. Anderson Avenue</u> that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. (Held 6/28/06 at the request of Councilmember of the District) |
| 06-O-0022 (3)
U-05-22 | An Ordinance by Councilmember Carla Smith to issue a Special Use Permit for a Nursing Home at <u>1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue)</u> ; to waive the 2,000 foot distance requirement for this location; and for other purposes. (Held 6/28/06 at the request of Councilmember of the District) |
| 06-O-0955 (4)
Z-06-44 | A Substitute Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at <u>1155 Hill Street, SE</u> fronting approximately 350 feet on the west |
| | side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. (Held 11/1/06 at the request of District Council Person) |
| | Depth: Varies |
| | Area: Approximately 8.719 Acres |
| | Land Lot: 55, 14 th District, Fulton County, Georgia |
| | Owner: Jack and Harvey Taffel |
| | Applicant: Chaz E. Waters/Skyline Partners, LLC. |
| | NPU-Y Council District 1 |

F. PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1927 (5) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

06-O-1445 (6)
Z-06-74 An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**
Depth: Varies
Area: Approximately 27 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer
NPU-H Council District 10

06-O-1888 (7)
CDP-06-65 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07) (Held 5/2/07 at the request of Councilmember of the District)**
NPU-H Council District 1

F. PAPERS HELD IN COMMITTEE (CONT'D)

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| <p>07-O-2594 (8)</p> | <p>An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. (Held 12/12/07)</p> |
| <p>06-O-2697 (9)
Z-06-144</p> | <p>An Ordinance by Councilmember Carla Smith to amend Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. (Held 1/30/08)</p> |
| <p>07-O-2527 (10)
Z-07-113</p> | <p>A Substitute Ordinance as amended by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, property located at <u>430 and 460 Englewood Avenue, SE</u>, fronting approximately 678 feet on the north side of Englewood Avenue beginning approximately 132 feet from the northeast corner of Mailing Avenue. (Held 4/29/09)</p> <p>Depth: Approximately 1,010 Feet</p> <p>Area: Approximately 10.32 Acres</p> <p>Land Lot: 42, 14th District, Fulton County, Georgia</p> <p>Owner:JWGST LLC/Joseph Wiles</p> <p>Applicant: Jason Fritz</p> |
| | <p>NPU-Y Council District 1</p> |
| <p>08-O-2125 (11)
Z-08-73</p> | <p>A Substitute Ordinance by Zoning Committee to rezone from the R-4 (Single Family Residential) and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, property located at <u>1146 Portland Street, SE, 1152 Portland Street, SE, 1131 Glenwood Avenue, SE, 1137 Glenwood Avenue, SE 525/527 Moreland Avenue, SE, 529 Moreland Avenue, SE, 535 Moreland Avenue, SE and 537 Moreland Avenue, SE</u> fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue. (Held 5/27/09)</p> |

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F. PAPERS HELD IN COMMITTEE (CONT'D)


Depth: Varies
Area: Approximately 1.75 Acres
Land Lot: 12, 14th District, Fulton County, Georgia
Owner: George Rohrig
Applicant: Joseph Alcock
NPU-W Council District 1

09-O-1817 (12)
U-71-6-S An Ordinance by Zoning Committee to amend Ordinance U-71-6-S, as adopted by the City Council on April 19, 1971 and approved by the Mayor on April 23, 1971 for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **1519 Lakewood Avenue, SE**; and for other purposes. **(Held 10/27/09)**

09-O-1819 (13)
U-97-29 An Ordinance by Zoning Committee to amend Ordinance U-97-29 as adopted by the City Council on February 1, 1997 and returned without signature by the Mayor per Section 2-405 of the 1996 Charter for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **191 Anne Street, SE**; and for other purposes. **(Held 10/27/09)**

There being no further business to come before the Zoning Committee the meeting was adjourned at 9:47 a.m.

Respectfully submitted:


Angela H. Campbell, Legislative Secretary


Alfred Berry, Jr., Research & Policy Analyst


The Honorable Natalyn M. Archibong, Vice Chair